

IN THE SUPREME COURT OF THE STATE OF ALASKA

LAUREL LEE,

Petitioner,

vs.

STATE OF ALASKA,

Respondent.

Court of Appeals No. A-12797

Trial Case No. 3KN-14-01547 CR

FILED
STATE OF ALASKA
APPELLATE COURTS
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Supreme Court No. S-18277 2/23/2022

REFUSED FOR FILING

A reply to an opposition
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Appellate Rule 503(d).
Ryan Montgomery - by the
chief deputy clerk

REPLY TO THE STATE'S OPPOSITION TO THE PETITIONER'S MOTION FOR A
30-DAY STAY OF THE PROCEEDINGS

cc: D. Wendlandt

VRA AND APP. R. 513.5 CERTIFICATION

I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any offense unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court. I further certify, pursuant to App. R. 513, that the font used in this document is Arial 12.5 point.

Petitioner, Laurel Lee, by counsel, has motioned this Court for a 30-day stay of the proceedings. The state is opposed. It argues that Lee's request is untimely given the age of her case, asserting that it "is far too late to now go in search of a friendly amicus." [State's Opp. 2] The state next asserts that the 30 day stay Lee requests will not allow enough time for Lee to identify an amicus writer and have that writer submit a brief with this Court. [State's Opp. 2-3] Thus, the state argues "that the 30-day stay would only be the first of multiple delays." [State's Opp. 3] Finally, the state argues that Lee has failed to establish why an amicus brief is necessary in her case or an appellate rule that allows amicus briefing at the petition state. [State's Opp. 3] Lee rejects the state's arguments and urges this Court to order a 30-day stay.

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2 First, Lee is not requesting a stay "to now go in search of a friendly amicus
3 writer." [State's Opp. 2] As of the time of Lee's submission of her underlying motion,
4 she had already reached out to colleagues from the Public Defender Agency, Office
5 of Public Advocacy, Alaska Association of Criminal Defense Lawyers, and the
6 Alaska Innocence Project. Thus, Lee does not request a stay so that she may begin
7 her search for an amicus writer; rather, she requests a stay so that she can learn
8 whether the individuals or organizations she has already contacted will be able to
9 submit an amicus brief.
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12 Second, the state's contention that the 30-day stay Lee requests will be "only
13 ... the first of multiple delays" is premature. Lee may well learn in the coming days
14 that an amicus writer is available and able to draft an amicus brief within the 30-day
15 period requested and, given that Lee's case has been pending in the appellate courts
16 since February 2017, the 30-day stay Lee requests is reasonable under the
17 circumstances.
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19 Finally, the state's claim that Lee has failed to justify why amicus briefing is
20 necessary in her case or identify a rule that allows for amicus briefing at the petition
21 stage fails because it confuses Lee's request for a stay to determine whether an
22 amicus brief will be filed with a motion for leave to file an amicus brief. Under
23 Appellate Rule 212(c)(9), Lee will have to motion this Court to accept any briefing
24 submitted by an amicus writer. Per the rule, Lee will have to explain in any such
25 motion why an amicus brief is necessary. Moreover, Lee does not expect this Court
26 to accept a petition from hearing from a willing amicus writer, rather, she anticipates
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3 that, if she does identify an amicus writer, that amicus briefing would only be
4 accepted by this Court pursuant to Appellate Rule 212(c)(9) if this Court also grants
5 Lee's petition for hearing pursuant to Appellate Rule 305.
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7 DATED at Anchorage, Alaska on February 22, 2022.

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9 
10 MICHAEL L. BARBER (1207060)
CONTRACT ATTORNEY FOR THE
OFFICE OF PUBLIC ADVOCACY

11 **CERTIFICATE OF SERVICE AND APP. R. 513 CERTIFICATION**

12 The undersigned hereby certifies that on 2/22/2022 a true and correct copy of the foregoing document,
13 **Reply to the State's Opposition to the Petitioner's Motion for a 30-Day Stay of the Proceedings**,
was emailed to the following: **Diane Wendlandt (OCA)**. The undersigned further certifies, pursuant to
App. R. 513.5, that the font used in this document is Arial 12.5 point. By: 

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